

By: Representatives Moore, Turner, Aldridge,
Beckett, Fillingane, Davis, Ellington,
Formby, Rogers (61st)

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1110

1 AN ACT TO AMEND SECTION 37-5-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE CANDIDATES FOR THE COUNTY BOARD OF EDUCATION TO DECLARE
3 THE POLITICAL PARTY WITH WHICH THEY ARE AFFILIATED; TO PROVIDE
4 THAT THE CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTES CAST IN
5 THE DISTRICT SHALL BE ELECTED; TO PROVIDE FOR A RUN-OFF ELECTION
6 IF NO CANDIDATE RECEIVES A MAJORITY OF VOTES; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 37-5-9, Mississippi Code of 1972, is
10 amended as follows:

11 37-5-9. (1) The name of any qualified elector who is a
12 candidate for the county board of education and the political
13 party with which the candidate is affiliated shall be placed on
14 the ballot used in the general elections by the county election
15 commissioners, provided that the candidate files with the county
16 election commissioners, not more than ninety (90) days and not
17 less than sixty (60) days prior to the date of such general
18 election, a petition of nomination signed by not less than fifty
19 (50) qualified electors of the county residing within each
20 supervisors district. The petition of nomination shall include
21 the name of the political party with which the candidate is
22 affiliated. Where there are fewer than one hundred (100)
23 qualified electors in the supervisors district, it shall only be
24 required that the petition of nomination be signed by at least
25 twenty percent (20%) of the qualified electors of such supervisors
26 district. The candidate in each supervisors district who receives
27 the majority of the votes cast in the district shall be elected.
28 If no candidate receives a majority of the votes cast in the
29 general election, then the two (2) candidates who receive the

30 highest number of votes cast in the district shall have their
31 names submitted as candidates in a run-off election two weeks
32 after the date of the general election, and the candidate who
33 receives the majority of the votes cast in the district in the
34 run-off election shall be elected.

35 (2) When any member of the county board of education is to
36 be elected from the county at large under the provisions of this
37 chapter, then the petition required by the preceding paragraph
38 hereof shall be signed by the required number of qualified
39 electors residing in any part of the county outside of the
40 territory embraced within a municipal separate school district or
41 special municipal separate school district. The candidate who
42 receives the majority of the votes cast in the county shall be
43 elected. If no candidate receives a majority of the votes cast in
44 the general election, then the two (2) candidates who receive the
45 highest number of votes cast in the county shall have their names
46 submitted as candidates in a run-off election two weeks after the
47 date of the general election, and the candidate who receives the
48 majority of the votes cast in the county in the run-off election
49 shall be elected.

50 (3) In no case shall any qualified elector residing within a
51 municipal separate school district or special municipal separate
52 school district be eligible to sign a petition of nomination for
53 any candidate for the county board of education under any of the
54 provisions of this section.

55 **SECTION 2.** The Attorney General of the State of Mississippi
56 shall submit this act, immediately upon approval by the Governor,
57 or upon approval by the Legislature subsequent to a veto, to the
58 Attorney General of the United States or to the United States
59 District Court for the District of Columbia in accordance with the
60 provisions of the Voting Rights Act of 1965, as amended and
61 extended.

62 **SECTION 3.** This act shall take effect and be in force from
63 and after the date it is effectuated under Section 5 of the Voting
64 Rights Act of 1965, as amended and extended, or July 1, 2005,
65 whichever is later.